

In the Matter of ALUMINUM COMPANY OF AMERICA and UNITED STEEL-
WORKERS OF AMERICA, C. I. O.

Case No. 7-R-1832.—Decided October 2, 1944

Mr. Warren Van R. Gilbert, of Monroe, Mich., and *Mr. F. N. Humes* of Pittsburgh, Pa., for the Company.

Mr. Ralph B. Loveland, of Monroe, Mich., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Aluminum Company of America, Monroe, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Sylvester J. Phoney, Trial Examiner. Said hearing was held at Monroe, Michigan, on September 15, 1944. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Aluminum Company of America is a Pennsylvania corporation. We are here concerned with its plant at Monroe, Michigan, where it is engaged in the manufacture of war materials. During the 6-month period ending September 1, 1943, the Company purchased raw materials for use at its Monroe plant valued in excess of \$500,000, about 90 percent of which was shipped to it from points outside the State

of Michigan. During the same period the Company manufactured products at its Monroe plant valued in excess of \$500,000, about 95 percent of which was shipped to points outside the State of Michigan.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On August 4, 1944, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the plant-protection employees at the Monroe plant. The Company refused this request.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union urges that all plant-protection employees at the Monroe plant of the Company, excluding captains, lieutenants, sergeants, fire protection sergeants, and corporals, constitute an appropriate bargaining unit. The Company argues that since the Union already represents the production and maintenance employees at the Monroe plant, it is improper to permit the plant-protection employees to be represented by the same labor organization, albeit in separate bargaining units. The Company does not contend that the plant-protection employees are part of management and not employees within the meaning of the Act.

The Company's argument deals with a possible conflict of interest which may arise when plant-protection employees join a labor organization. Self-organization for collective bargaining is not incompatible with efficient and faithful discharge of duty.² It should be further noted that the petition in the instant proceeding does not raise the problem of merging the plant-protection employees with the unit of production and maintenance employees.

¹ The Regional Director reported that the Union presented 16 authorization cards bearing the names of persons who appear on the Company's pay roll of August 15, 1944. There are approximately 22 employees in the appropriate unit.

² See *Matter of Dravo Corporation*, 52 N. L. R. B. 322.

It appears that several of the plant-protection employees act once or twice a week in a semi-supervisory capacity. We find, in accordance with the desires of the parties, that such employees should be included in the unit.

We find that all plant-protection employees at the Monroe plant of the Company, including those employees who act part time in a semi-supervisory capacity, but excluding captains, lieutenants, sergeants, fire protection sergeants, corporals, and any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Aluminum Company of America, Monroe, Michigan, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Seventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election; to determine whether or not they desire to be represented by United Steelworkers of America, C. I. O., for the purposes of collective bargaining.